

MEDIATING WELFARE ETHICS: SELECTIVITY OR UNIVERSALISM?

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ABSTRACT

Some of the underpinning ideologies that drive Australia's selective income support system are explored by examining the ethical justifications used to support targeted welfare systems, which are driven by concepts such as Mutual Obligation. Such justifications for selectivity are contrasted with the ethical justifications that are used to promote the concept of Universalism for income support, a concept that has been attracting increasing attention in social science circles internationally.

At an ideological level, Universalism in welfare has compelling arguments for implementation, particularly in the form known as the Universal Basic Income Guarantee or Basic Income. The underpinning ideologies for each income support system are discussed in a context that will enable their ethical justifications to be examined in a compare and contrast format for a future ongoing study. Such a format facilitates a beginning mediation between some of the competing ethical claims used, so as to clarify positions and develop greater understanding about income support system debates.

Mediating welfare ethics: Selectivity or Universalism?

Introduction

Based on ongoing research for a Doctoral study at QUT's Centre for Social Change Research, this paper discusses some underpinning ethical justifications that are often put forward to support the policy and practices of Australia's selective, targeted income support system under Mutual Obligation. Some ethical justifications that are used to support a Universal Basic Income are also set out. An analysis framework is introduced, which the ongoing study will utilise to examine these ethical justifications by measuring and comparing the two systems, in order to determine which would be more substantial. A preliminary review of the literature, discussed herein, suggests that Basic Income appears to have fewer ethical objections than Australia's Mutual Obligation welfare regime.

Australia's Social Welfare system: a selective distribution for income support

Australia currently has a coalition government that follows, according to Prime Minister Howard, "a mix in public policy which combines liberalisation in economic policy and what I would describe as a 'modern conservatism' in social policy" (Howard, 1999, p.3). A dry economic fundamentalist welfare agenda is based on the Government's perceptions of the rational individual readily responding to monetary incentives and disincentives, the efficiency of private enterprise and the demands of 'globalisation' (Hutchings, 1998).

Consequently, Australia's categorical or targeted Social Security system increasingly seeks to coerce specified welfare recipients to engage in mandatory 'activities'. These activities are based upon the principle of Mutual Obligation, which relies on a metaphor of giving "something [a compulsory activity] back to society in return" for benefits, particularly in the area of unemployment payments (Burgess, Mitchell, O'Brien, & Watts, 1998, p.7; Howard, 1999, p.6). The Mutual Obligation concept underpins a system for targeting specific categories of unemployed welfare recipients, and has been popularly accepted as being fair and ethical. This paper examines such ethical underpinnings, comparing and contrasting them with the ethical underpinnings put forward by advocates for an unconditional Universal Basic Income as an alternative to selective welfare.

The Australian Income Support system in the context of unemployment

In Australia, high unemployment levels since the middle 1970's (Watts, 2001, p. 3) gave rise to high numbers of people becoming long-term unemployed (Edwards, Howard & Miller, 2001). The economic upturns in the late 1980's and late 1990's were not enough to restore the unemployment level, the best achieved was "5.4 per cent in November 1989" (Borland, 2000, p.1).

In September 2003 unemployment officially stood at 5.8 per cent (ABS, 2003; Anderson, 2003), however, "if underemployed, discouraged unemployed and the disguised unemployed are taken into account the real level of unemployment is in the order of 12 to 18% of the working age population" (Tomlinson, 2003, p.1).

With high unemployment levels came a rise in the number of people who are long-term unemployed. Minister Newman (2000) reported that 457,000 people representing 63 per cent of people on unemployment benefits in 2000, had “received benefits for longer than one year” (p.9). Burgess et al. (1998) reported “the average duration of unemployment rose from three weeks in 1966...to 50.5 weeks in 1998” (p.3).

Duration of ‘one year’ long-term unemployment, expressed as a percentage of unemployment recipients now runs at 57 per cent (Saunders & Tsumori, 2003, p.3). However, with about 600,000 people currently receiving unemployment benefits, Ziguras, Dufty and Considine (2003) reported that the numbers of ‘long term unemployed’ exceeding two years of unemployment, (rather than one year) now numbered almost one half of all unemployment beneficiaries. More precisely, the Department of Family and Community Services confirmed that currently 281,289 job seekers are in this two year category (Courier-Mail, 2003). Noting that the economy had improved and unemployment had reduced, Quiggin (2001) argued that the “problem is a simple shortage of job vacancies” (p. 8).

Successive Australian governments have sought to ‘disguise’ high unemployment numbers to some extent by establishing artificial census data thresholds. Strategies included classifying people as ‘employed’ if they worked for payment for one hour per week (ABS, 2001) and allowing relatively relaxed criteria enabling people to leave the unemployment benefit scheme in favour of the less demanding obligations and higher payments of the Disability Pension (Odgers, 2002).

Thus fewer people could be classified as unemployed (Vanstone, 2002a). However, in Australia the number of Disability Pension recipients now total over 650,000 people (Odgers, 2002) compared with the 627,000 who are receiving unemployment benefits (Anderson, 2003). This fact caught the Government’s attention, and new legislation has been introduced into Parliament (Vanstone, 2002a). The new legislation is designed to remove eligibility for the Disability Pension from some people who have disabilities. Such people are to be placed on the Mutual Obligation unemployment program instead (Budget, 2002; Vanstone, 2003). The coercive, punitive nature of Mutual Obligation will be discussed shortly. Interestingly this legislation is currently blocked in the Senate on compassionate grounds (Senate Committee, 2002).

Concerns are also publicly expressed periodically about the increasing numbers of people in receipt of the Aged Pension, and the possible non-viability, or future affordability of the Aged Pension scheme (Saunders & Tsumori, 2003; Vanstone, 2003). Thus, since the 1970’s the Australian income support system has increasingly had narrowed the basis of welfare payment eligibility. Such targeting has meant, “the Government is well on the way to restoring the conditionality of payment which makes welfare a charity rather than a right” (Castles, 2001, p.102).

Sleep (2001) argued that because it is not ideologically acceptable that “deserving” welfare could apply to all people in need, governments use selectivity and

categorisation, and systems of blaming the 'undeserving', as methods for social control and welfare cost reduction. Ironically, similar justifications lay behind the construction of the British 1601 and 1834 Poor Laws (Polanyi, 1945; Stretton, 1996).

The new 'Working Poor'

A further complicating factor that warrants attention for background understanding, is that Australia is fast developing a new labour group known as the "Working Poor" (Strengmann-Kuhn, 2002). It is estimated that permanent full-time jobs now total less than half of all jobs. The ABS (2003) reports that as at August 2003 some 9.5 million people were working, 5.4 million of whom worked 'full time at 35 hours or more', leaving 4.1 million working less than full time (43%). An ACTU (2003) survey and an "Age" newspaper study (Age, 2003) report some 800,000 'full time' jobs included in the ABS figure are 'casual'. When the ABS statistic is adjusted to reflect this fact, 4.9 million jobs, or 51.5 per cent of all 'jobs' are now casualised, part-time and/or short-term, whilst only 48.5 percent of all jobs are permanent full-time (Schooneveldt, 2003).

Increasingly people find themselves 'working poor', taking several part-time casualised jobs, working ever longer hours overall, but struggling to make ends meet or get ahead financially (Harding & Szukalska, 2000). Individuals who find themselves 'churned' from casualised employment into unemployment are then often 'blamed' for their unemployment situation (Bryson, 1993, p. 464).

Poverty traps

Another group, often 'blamed' for their own predicament, includes people caught in "poverty traps". Many families and individuals in receipt of income support from government, including single parents, find themselves "locked in" to the welfare system (Jackman, 1997; Standing, 2001). Minister Abbott (2003) recently described some of the inequitable 'poverty traps' in the Australian Income support system. He said "unfortunately, the interaction of the tax system and the welfare system means that people moving from unemployment to work generally face effective marginal tax rates of nearly 70 per cent and sometimes over 100 per cent." Abbot identified families increasing weekly earnings from \$285 to \$585 were actually only \$ 29 per week better off (pp. 2-3). He described this as an "inconvenient truth" that "Australia has a progressive tax system but a regressive personal income system through the interaction of tax and welfare for people with low and middle incomes". He concluded "It's very hard to see the fairness in a system, which works against people looking for jobs" (Abbot, 2003, p.4), yet he continues the rhetoric of vilifying and blaming 'undeserving' income support recipients (Honey, 2002).

From 'blaming' welfare recipients to Mutual Obligation (Giving something back to society in return for income support)

This form of 'blaming' is well recognised (Titmuss 2000, pp.47-48; Watts 2001, p.5), because 'blaming the victim allows policy makers to absolve themselves from responsibility' obviating the need to provide full employment (Hartman 2001, pp. 3-4).

Windschuttle (1980) noted Labor Ministers in the 1970's casting slurs about unemployed people being "work shy lion tamers and dole bludgers" (pp. 180-190), as the Hawke Labor Government set about introducing new activity tests based on their concept of 'reciprocal obligation'. With the advent of the Howard Coalition Government in 1996, the stage was set for the imposition of *Mutual Obligation* in 1997.

Mutual Obligation is a principle based on the traditional Lockean Protestant work ethic; that one should not receive 'something for nothing'. Indeed one 'steals' because without paying back, one is considered to be in "direct violation of the rightful, hard-earned property of others" (Schwarzenbach, 2002, p.1). Prime Minister Howard asserted that the Government should assist those [deserving poor] in genuine need. However, he also noted that, within their capacity, "those in receipt of such assistance should give something back to society in return, and in the process improve their own prospects for self-reliance" (Howard 1999, p.10).

'Giving something back' to society is a compulsory obligation only for *some* targeted welfare recipients, but not others. Obligations could include specified volunteer work, approved study, participation in Work for the Dole programs or prescribed job-search activities. Compulsory job-seeker diaries, interviews, Activity Tests and punitive 'breaching' penalties for non-compliance were systems implemented to coerce *some* people into 'giving something back' (Moses & Sharples, 2000; Ziguras et al. 2003).

Government Ministers readily portray unemployed people as undeserving and deviant to justify the coercion of Mutual Obligation. It needs to be remembered that a third breach penalty aggregates to more than \$3500, a penalty far in excess of many 'criminal offense' legal penalties (ACOSS, 2002; Bessant, 2000). Terms such as 'dole bludgers' (Abbott, 2003; Brough, 2001), 'unwilling to accept work' (Vanstone, 2002a, 2002c) and 'welfare dependant' (Newman, 2000), are commonplace in political jargon.

However implementation of Mutual Obligation requirements has meant that unemployed people, (and soon single parents and people with disabilities), are now subjected to more surveillance, duties, and punitive measures than ever before. Unemployment payments are no longer a right but are 'now made conditional upon participation in employment programs' (Burgess, Mitchell, O'Brien & Watts, 2000, pp. 174-186). Such targeting has meant the Government "is well on the way to restoring the conditionality of payment which makes welfare a charity rather than a right" (Castles, 2001, p.102). The principle of Mutual Obligation is fast becoming ideology.

Some arguments underpinning Mutual Obligation

The *Social Security Amendment Bill*, legalising Mutual Obligation and the Activity Requirements breaching regime, included the preamble that the main objective was 'to maintain a strong deterrence for failure to meet reasonable requirements' (Moses & Sharples 2000, p.4). This compulsory active job search requirement was expected to be acceptable to unemployed people as 'normal' and 'useful' components of 'reasonable' job-seeker responsibilities (DEWRSB 2000). However, in a Brisbane survey of unemployed people who had been breached under Mutual Obligation, 73% of

respondents, 41 out of 56 people, believed that *they were not more likely to get paid work because of any Centrelink compulsory activity undertaken* (Schooneveldt, 2002).

By consistently tightening Mutual Obligation activity requirements and rules for payment suspensions and breach penalties (Pearce, Disney & Ridout 2002) the Government *expected* that one breach penalty or suspension would be sufficient to deter people from further non-compliance (DEWRSB 2001: 11). The majority of respondents to a Brisbane survey of unemployed people who had been breached for non-compliance of activity tests reported that getting breached was of no help to them in avoiding further breaches. 56% of respondents were breached more than once and 14% had third or more breaches (Schooneveldt, 2002, p. 69; ACROSS 2001).

Thus some understanding needs to be developed of what may be incorrect about the underlying assumptions justifying the use of categorical, targeted and coercive practices under the current Australian Mutual Obligation driven welfare distribution system. Arguably the system has been designed to provide income support only for 'deserving' citizens who need a 'safety net' type of support, yet it supports some wealthy, undeserving individuals whilst failing some of the most disadvantaged individuals such as homeless people who have been repeatedly breached.

An alternative concept: Unconditional Universal Basic Income

A Universal Basic Income (BI) is an unconditional cash payment to individual citizens, sufficient to meet basic needs (UBINZ, 2003). Philippe Van Parijs (2000a), the doyen of the Basic Income European Network (BIEN) wrote "*A basic income is an income paid by a political community to all its members on an individual basis, without means test or work requirement*" (p.3, italics in original). In its simplest form, Van Der Veen (1998) described Basic Income as a proposal "to disburse a tax-free subsistence income to every adult citizen, whether he or she is employed or unemployed, wealthy or poor, healthy or sick, active or idle, and...young or old, with basic incomes for children replacing existing child benefits" (p. 141).

The idea of a Basic Income is not new. Van Trier (1995) noted that in 1920 Dennis Milner published what is believed to be the first British book on the idea of a Basic Income, which Milner called Minimum Income, and it was largely ignored. Milner (1920) called for a minimum income to apply to all citizens, man, woman and child, without conditions or deductions (p.19) and his arguments, which he called 'a business proposition' are remarkably similar to those used today, eighty odd years later (Tomlinson, 2000).

Goodin (1992) argued that Basic Income support is a less presumptuous welfare distribution system than other forms of government income support, because it is unconditional. Thus there is no need for government to pry on individuals to establish entitlement, there is no need for government assumptions to be made as to the deserving or worthy status of the person receiving the payment. Tomlinson (2000) argued that Basic Income could alleviate income insecurity because it is an unconditional entitlement. The Government of Ireland recently produced a Green Paper

on Basic Income, considering it to be feasible (DSCFA, 2002) and is deliberating currently on implementation. Alaska has had a Basic Income distribution of its oil royalties, paid to all citizens, for the past 20 years (Bienfield, 2002, pp.10-13).

Some underpinning arguments for basic income

Van Parijs (2000b) argued for the simplicity and power of a Basic Income system, as being appropriate for the 21st Century. He identified three interconnected benefits. Firstly the rate of take up is likely to be higher amongst the poor because when a means test is in place, confusion as to eligibility is created, causing some people to miss out. Secondly, “there is nothing humiliating about receiving a benefit as a matter of citizenship” compared with receiving a benefit reserved for the needy. Thirdly, a regular Basic Income is not interrupted (or ‘clawed back’) when a person accepts a job (p. 7). (As happens under the means-tested Australian system).

The narrow reciprocity argument underpinning Mutual Obligation designed to ensure the achievement of paid work can be undercut, because it should be understood that any income “earned by any individual in a society is never purely a product of their individual endeavour”. Indeed, “a Basic Income recognizes the social nature of income generation and the large share of output due to ‘society and history’ and distributes it among all citizens” (Bienfield, 2002, p. 12, citing Clarke et al.1996).

Baker (1992) makes an egalitarian case for Basic Income. Offe (1992) also noted the egalitarian aspect, the “it could be me” notion that one may need benefits oneself at some future time. However, ever-tightening targeting and categorisation which reduces eligibility for payment grants, at least in Australia, continues to be politically acceptable, regardless of the long established tenet of *noblesse oblige*, because “middle class well off people do not see the connection” between themselves and welfare recipients (p. 65). The employed come to envy unemployed people receiving the welfare pittance because they perceive them as ‘getting something for nothing’ (Tomlinson, 2003).

Offe (1992) posed an obvious question against Basic Income, to illustrate this social perspective: “If ‘you’ are not engaged in gainful employment, and not even prepared to find and accept such employment once it is made available to you, why should ‘we’ be forced to subsidize your *voluntary* unemployment?” (p.74. italics in original). Incidentally, herein lies the ‘ideology’ aspect of the Mutual Obligation principle. Standing (2001) believed that regressive fiscal policy stemming from globalisation eroded social solidarity, demonstrated by “the pressures of middle and upper income groups to stay above the lower class, evidencing ‘downward envy’ and growing numbers of “detached” people cut off from mainstream state benefits (pp.5-11).

In supporting the concept of Basic Income, Standing (2001) argued strongly that all forms of work, not just paid work were legitimate. “We must not let paternalists of any kind - Third Wayfarists, religious groups, Leninists, populists or whatever - to turn that right [the right to work] into a duty.” His idea was that if there were only a focus on labour as paid work, other forms of work would be more debased. Unpaid workers

would be “probably more oppressed, and one perpetuates an ethos of competitive individualism rather than one of what might be called social individualism based on recognition -and celebration- of mutual interdependencies” (p.32).

Discussion: A framework to compare the ethical justifications used to promote Basic Income with those used to promote Australia’s selective welfare system

From the literature review, various arguments have been discussed, both for and against unconditional Basic Income and the targeted, selective ‘mutually obligated’ Australian income support system. It is important to weigh up some *ethical* considerations about the two schemes. Thus an ethical frame of reference will be established in the study, to consider ‘justice as fairness’ using John Rawls seminal 1971 “*A theory of justice*”. Rawls (1999 [2nd Ed.]) theorised that two conditions must apply before individuals can incur obligations to government: Firstly, Society’s institutions must be just, and secondly individuals must have freely accepted the benefits provided by society (pp. 10-14). To be free to accept benefits, individuals must equally be capable of refusing them. Suffice here to note that Rawls (1999) believed “humankind has a moral nature” (p. 508).

Writing about the ascendancy of economic fundamentalism as a driver of governmental welfare systems and the ‘political economy’, Rawls (1999) was dismissive when noting “considerations of efficiency are but one basis of decision and often relatively minor at that”. He believed the “doctrine of political economy must include an interpretation of the public good which is based on a conception of justice” as fairness (p.229). Thus the task Rawls set himself was that of establishing what moral principles should govern the basic structure of a just and fair society: “what principles would be chosen by individuals from an impartial stand point, in order to establish arrangements which are both desirable and feasible?” (Kukathas & Pettit, 1990, p.36).

Rawls framework is chosen because many writers have invoked Rawls in support of their arguments for and against both of the income support distribution systems under discussion here. Kinnear (2000) examined the Howard Government’s Mutual Obligation policy, and found that “the ethical foundations...do not stand up to scrutiny”. One reason was that “Australia’s system of economic management [economic fundamentalism] has relied on creating joblessness to sustain economic growth” which is unjust and against Rawls principle of “no harm” and the principle of “to the greatest benefit of the least advantaged” (p. V). (See Rawls; 1999, pp. 266-267).

Kinnear (2000) argued further, that proponents of Mutual Obligation willingly impose activity requirements on unemployed people, in the belief “that unemployed people have some control over their joblessness, and therefore a choice to accept or reject welfare benefits”, however there is no realistic choice. Finding these two conditionalities not met, Kinnear declared that the Howard Government’s Mutual Obligation policies failed ethically and morally, which “may be a *manifestation* of moral decline”, because the socially advantaged impose obligation as a form of repayment, upon the financially disadvantaged (pp.V-VI, italics in original).

Claus Offe (1992) argued for Basic Income from various non-productivist ethical standpoints. He rejected the notion of Mutual Obligation whereby "large numbers of welfare recipients should be 'blamed' for the condition they find themselves in". Nor should such people "be expected to accept the conditions they are in fatalistically" (p.62). The Rawlsian notions of "equal liberty for all...no one should tailor principles to suit their own case" fit this argument closely (Rawls, 1999, p.16). Such arguments remain cogent in the light of the Government's current legislation before Parliament seeking to place people who have disabilities and single parents under Mutual Obligation as noted earlier (Anthony 2002).

Also arguing against the coercive requirements of Mutual Obligation, Goodin (2001) invoked similar sentiment to the Rawlsian principle of 'fair opportunity' when he noted that lack of choice about receiving welfare, arguing that obliging people to sign contractual activity agreements in return for welfare benefits lacked moral force. The notion "agree or starve" (by losing benefit payment) was analogous to the highway robber's demand "your money or your life!" (p. 191).

In arguing for a Basic Income, Schwarzenbach (2002) argued against productive labour as the paradigm aspired to in modernist society as the "criterion for independence and 'full' or 'active' citizenship". In a similar non-productivist vein to Offe (1992) she promoted instead the notion that "reproductive labour", not for the production of things but for "the maintenance and 'reproduction' of human relationships" has higher ethical value (pp.1-2). In support of her ethical claim, she invoked Aristotle: "relations of civic friendship between citizens are a necessary condition for genuine justice" (p.6). In support of justice, she invoked Rawls difference principle "whereby differences should work to better the disadvantaged" (p.5).

Further aspects of Mutual Obligation that raise ethical questions

In an international context, Tomlinson (2001, pp.10-11) argued that the Howard Government's Mutual Obligation agenda is considered to breach Article 8(3)(a) of the *International Covenant on Civil and Political Rights*: 'No one shall be required to perform forced or compulsory labour', which Australia has signed and ratified. (See also Burgess et al. 1998; p.17; Rees 2000; pp. 296-297).

Bessant (2000) argued that Mutual Obligation, especially as translated into the compulsory Work for the Dole program, denied rights of choice and freedom as to how to conduct one's own life. She argued that the decision to re-define dole workers as 'non-workers', in order to avoid legally mandated employment terms and conditions violated "the human rights of jobless people." Compelling unemployed people to work in return for income support constituted a form of civil conscription "which denies jobless people basic civil liberties" (pp.14-16).

Ironically, the Howard Government's coercive Mutual Obligation policy, intended to reduce a mythical 'welfare dependency', is demonstrably unnecessary. In a seminal international study conducted over ten years in The United States, Netherlands and Germany, Goodin, Heady, Muffels & Dirven (1999, pp. 136-145) found an 'exceedingly

small percentage' of people remained on welfare indefinitely, in any of those national welfare systems. Further, they found the rhetoric of 'welfare dependency' referred to in those countries, and often heard in Australia, to be unfounded.

Supporting Basic Income in ethical terms, Standing (2001) believed that income insecurity is against a citizen's right, noting that poverty traps are immoral hazards whereby people find "unfair poverty traps [which] means that it pays to be dishonest" (p.20). He railed against the inefficiency of targeting, noting that "many policy makers seem more keen to prevent the 'undeserving' from receiving benefits than to make sure that all the 'deserving' do receive them" and concluded that "fiscal policy should not be a vehicle of social engineering" (pp. 25-31). This argument fits closely with the Rawlsian principle of reducing social and economic inequality "to the greatest benefit of the least advantaged..." (Rawls, 1999, pp. 266-267).

Throughout history governments have sought to justify their actions by using the rhetoric of the righteous to claim ethical and moral behaviour. Current Australian Ministers demonstrate this 'art'. Prime Minister Howard asserts Mutual Obligation activity will improve "prospects for self-reliance (Howard, 1999, p.6). Minister Newman used the term "tough love" to justify restricting eligibility for long term welfare beneficiaries in order to save them from "welfare dependence" and protect them from the "very severe stigma" that such people suffer (McKenna, 1999, p.11).

Showing similar concern for welfare recipient wellbeing, Minister Anthony announced tightened Activity Test requirements for new 'Work Agreements' for the unemployed which would leave "people with a sense of pride and belonging..." (Anthony, 2000, p.1). Minister Vanstone (2003) stated that she is being 'kind and fair' by stopping people who 'harm themselves' by getting handouts from Government (p.5). Minister Abbott, referring to current unemployment benefit levels, (set legislatively at one quarter of the average male adult wage) believes that level represents "perverse incentives [which] start to warp people's best instincts" and so harm them (Abbott, 2003, p.4). Minister Brough delighted in reporting that tough measures against unemployment recipients are good, because they "flush out the dole cheats" (Odgers, 2001) whilst implying that most unemployment beneficiaries cheat!

Conclusion

To conclude this discussion, abundant authors criticise the developed world's neo-liberal economic fundamentalism and the increasingly globalised economy. Stilwell (1993) described the general complaint against economic fundamentalism, and by extension selective welfare, succinctly: "So the triple goals of ecological sustainability, social justice and full employment cannot be guaranteed – indeed they are systematically violated" (p. 32). On balance, when considered in the context of Rawls Theory of Justice as fairness, there do appear to be powerful arguments against the unfairness, and hence the lack of ethical underpinnings, of the coercive and selective Australian income support system. Arguments based on the unfairness or inadequacy of the ethical underpinnings for an Unconditional Universal Basic Income system seem to have far less resonance.

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